



Office of the Secretary

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

October 13, 2011

Seth Shich  
State of Texas

*Re: In the Matter of Google, Inc., File No. 1023136, Docket No. C-4336*

Dear Mr. Shich:

Thank you for your comment on the Federal Trade Commission's consent agreement in the above-entitled proceeding. The Commission has placed your comment on the public record pursuant to rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and has given it serious consideration.

The Commission appreciates your support of the consent agreement. You add that you do not believe that any additional regulations or constraints should be imposed on Google Inc. ("Google") at this time and note that no obligation should be imposed on Google in connection with the comprehensive privacy program mandated by the order.

The proposed settlement followed staff's thorough investigation of Google's practices and representations regarding its Buzz social networking service. The complaint alleges that Google violated Section 5 of the Federal Trade Commission Act by making deceptive representations to consumers and violating its own privacy promises to consumers in connection with the launch of its Google Buzz social networking product. The Commission feels this consent order addresses the misrepresentations at issue in this case, and that consumers will benefit from the provisions in this order well into the future.

Among other provisions, the consent order mandates that Google establish and maintain a comprehensive privacy program that addresses privacy risks related to new and existing products and services and protects the privacy and confidentiality of "covered information."<sup>1</sup> While the proposed order sets forth several elements that the privacy program must include, some flexibility is afforded with regard to its implementation. This approach allows innovation

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<sup>1</sup> "Covered Information" is defined in the order as "information respondent [Google] collects from or about an individual, including, but not limited to, an individual's: (a) first and last name; (b) home or other physical address, including street name and city or town; (c) email address or other online contact information, such as a user identifier or screen name; (d) persistent identifier, such as IP address; (e) telephone number, including home telephone number and mobile telephone number; (f) list of contacts; (g) physical location; or any other information from or about an individual consumer that is combined with (a) through (g) above."

in the area of privacy-enhancing technologies and is designed to keep pace with a dynamic marketplace. In particular, the privacy program must contain controls and procedures appropriate to Google's size and complexity that reflect the sensitivity of data handled, the scope and nature of Google's business activities, and the types of risks the company faces. To the extent that reasonably foreseeable, material risks arise from Google's products, services, and business practices, Google must use reasonable and appropriate procedures to address these risks or it could face substantial civil penalties.

Finally, the order requires Google to obtain an assessment and report from a qualified, independent third-party professional, certifying that it has in place a privacy program that provides protections that meet or exceed the protections required by the order, every other year for twenty years. The strong relief in the proposed consent order is designed to protect the privacy of consumers that use Google's products and services.

In light of these considerations, the Commission has determined that the public interest would best be served by issuing the Decision and Order in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work, and it thanks you again for your comment.

By direction of the Commission.

Donald S. Clark  
Secretary